



City of Seattle

Department of Construction and Inspections

Nathan Torgelson, Director

CITY OF SEATTLE ANALYSIS AND DECISION OF THE DIRECTOR OF THE DEPARTMENT OF CONSTRUCTION AND INSPECTIONS

Applicant Number: 3020985
Applicant Name: Dennis Titus
Address of Proposal: 5656 42nd Ave W

SUMMARY OF PROPOSAL

Land Use Application to allow a rock buttress for slope stabilization in an environmentally critical area. Project includes work in right-of-way adjacent to property.

The following approvals are required:

SEPA – Environmental Determination (Seattle Municipal Code) Chapter 25.05

EPA DETERMINATION:

- ☒ Determination of Non-Significance
- ☐ Pursuant to SEPA substantive authority provided in SMC 25.06.660, the proposal has been conditioned to mitigate environmental impacts

BACKGROUND

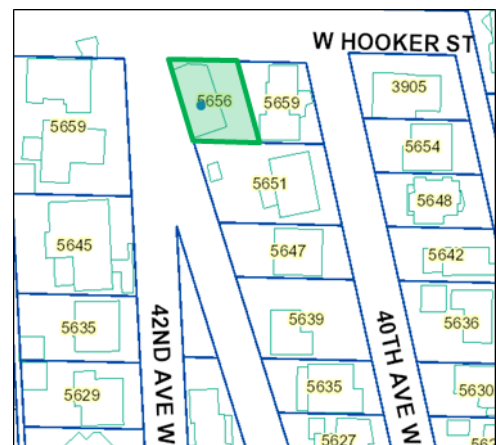
Seattle DCI approved a shoreline exemption request for the rock buttress project at existing single family residence on under project number 6481739 on October 27, 2015.

SITE AND VICINITY

Site Zone: SF-5000

Nearby Zones: North: SF-5000
South: SF-5000
East: SF-9600
West: SF-5000

Site Size: 4,650 sq. ft.



Existing Conditions: The project site includes the following Environmentally Critical Areas (ECAs): a Steep Slope area, Potential Slide Area, and a Wildlife Habitat Area. The area is located just to the north of the site and within the unbuilt W. Hooker Street right-of-way in an area of a known slide ECA.

The proposal site is located on the east side of 42nd Avenue West just north of Discovery Park within the Magnolia neighborhood. The property is situated just south of a high bluffs overlooking the Puget Sound. The irregular shaped parcel is currently occupied by a two story single-family residence. The site has a descending slope of between 41 and 45 percent from a westerly to an easterly direction.

Project Description: This is proposal to repair a land slide area and stabilize the portion of the slide that occurred on the subject site as a result of a storm drain catch basin located at the northern end of 42nd Avenue West overflowed and saturated the slope. The majority of the slide occurred on the adjacent unimproved right of way of W. Hooker St. to the north with only the southern-most 5 feet of the slide occurring on the subject property. Per the Geotechnical Engineering study, the slide has undermined a portion of the fill beneath the northern wall of the single-family residence.

PUBLIC COMMENT:

No public comments were received during the comment period that ended on November 15, 2015.

ANALYSIS – SEPA

The proposal site is located within an environmentally critical area, as noted above. Proposals located in landslide prone areas may require environmental analysis per municipal code (SMC 25.05.908) and as such this proposal is not exempt from SEPA review. However, the scope of the environmental review for projects located within critical area is limited to: 1) the documentation as to whether this proposal is consistent with the City of Seattle's Environmentally Critical Areas (ECA) regulations in SMC 25.05; and 2) Evaluating potentially significant impacts on the critical area resources during environmental review resulting in a Threshold Determination as required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11. This review includes the identification of additional mitigation measures needed to protect the ECA in order to achieve consistency with SEPA and other applicable environmental laws.

The initial disclosure of the potential impacts as a result of this project was made in the environmental checklist submitted by the applicant on October 28, 2015. The Department of Construction and Inspections has reviewed and annotated the environmental checklist in as well as the project plans and other relevant information in the file, in addition to all pertinent comments received regarding the proposed action. The information contained in the checklist, supplemental information, and the experience of the lead agency with the review of similar projects form the basis for this analysis and decision. As indicated in the checklist, this action may result in adverse impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to have a lasting long term effect.

The SEPA Overview Policy (SMC 25.05.665) clarifies the relationship between codes, policies, and environmental review. Specific policies for each element of the environment, and certain neighborhood plans and other policies explicitly referenced, may serve as the basis for exercising substantive SEPA authority. The SEPA Overview Policy (SMC 25.05.665) states, in part, *“Where City regulations have been adopted to address and environmental impact, it shall be presumed that such regulations are adequate to achieve sufficient mitigation”* subject to some limitations.

Under such limitations or circumstances (SMC 25.05.665 D) mitigation can be considered. Thus, a more detailed discussion of some of the impacts is appropriate.

Short-term Impacts

The following temporary construction-related activities could result in the following adverse impacts: construction dust, storm water runoff, soil erosion, emissions from delivery and construction machinery, and commuter vehicles; increased noise levels, small increases in traffic and parking impacts due to construction related vehicles, and increases in greenhouse gas emissions.

Several construction-related impacts are mitigated by existing City codes and ordinances applicable to the project such as: the Stormwater Code (SMC 22.800-808), the Grading Code (SMC 22.170), the Street Use Ordinance (SMC Title 15), the Seattle Building Code, and the Noise Control Ordinance (SMC 25.08), while the Puget Sound Clean Air Agency regulations require control of fugitive dust to protect air quality. The following analyzes: potential impacts to earth and soils, greenhouse gas emissions, as well as any related mitigation requirements.

Earth /Soils

The site was granted Relief on Steep Slope Development by the Seattle DCI Geotechnical Engineer on 10/27/2015 under permit application number 6481739:

“SMC 25.09. Environmentally Critical Area (ECA) review is required. The scope of work for the project shows elective slope stabilization (rock buttress). Based on a review of the submitted information and the City GIS system, Seattle DCI concludes that the portion of the project needed to electively stabilize steep slope does not qualify for the criteria established in the Critical Areas Regulations (CARs), SMC 25.09.045. However, the slope stabilization project appears to qualify for the criteria established in the CARs, SMC 25.09.180.B2d, provided the new rock buttress only remediates the slide area in accordance with recommendations presented in the geotechnical addendum by Geotech Consultants, Inc., dated March 3, 2015, and does not effect changes in the original topography. Further note that the area of slide remediation will not be considered as existing developed area for any future exemption considerations. Consequently, the ECA Steep Slope Development Standards in SMC 25.09.180.B.1 are waived for the development associated with Seattle DCI Application No. 6481739. For this reason, an ECA Steep Slope Area Variance will not be required for this project. Please note that construction in the public right-of-way will need SDOT permit and encroachments into the ECA must be limited to the portion of the development needed to construct the slope stabilization system. No other encroachment nor soil disturbance will allowed in the ECA. All other ECA Submittal, General, and Landslide-Hazard, and development standards still apply for this project.”

The ECA Ordinance and Director's Rule (DR) 18-2011 require submission of a soils report to evaluate the site conditions and provide recommendations for safe construction in landslide prone areas. Pursuant to this requirement the applicant submitted a geotechnical engineering study ("Geotechnical Engineering Study, Landslide Remediation", Geotech Consultants, September 29, 2011 and Geotechnical Engineering Study Addendum dated March 3, 2015). The study has been reviewed and approved by Seattle DCI's geotechnical experts, who will require what is needed for the proposed work to proceed without undue risk to the property or to adjacent properties. The existing Grading and Stormwater Codes will sufficiently mitigate adverse impacts to the ECAs. No additional conditioning is warranted pursuant to SEPA policies (SMC 25.05.675.D).

Greenhouse Gas Emissions

Construction activities including construction worker commuting trips, construction vehicle trips, the operation of construction equipment and machinery, will result in minor increase in carbon dioxide and other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While these impacts are considered to have a potential adverse effect, they are temporary in nature and therefore not expected to be significant. Therefore no further mitigation is warranted pursuant to SMC 25.05.675.F.

Long -term Impacts

Long-term or use-related impacts are also anticipated as a result of approval of this proposal including greenhouse gas emissions. Compliance with applicable codes and ordinances is adequate to achieve sufficient mitigation for any additional long-term impacts as a result of this project and as such no further conditioning is warranted per SEPA (SMC 23.05.665). However, the following requires further analysis.

Greenhouse Gas Emissions

The work site is adjacent to an existing single-family residential structure and additional long term Greenhouse Gas emissions are not expected as a result of an approval of this project. Future operational activities, including vehicular trips associated with project construction and project energy consumption are also not expected to result in an increase in carbon dioxide or other greenhouse gas emissions which adversely impact air quality and contribute to climate change and global warming. While some short term impacts may exist, there are no long-term adverse impacts expected to have a significant impact and therefore, no further mitigation is warranted pursuant to SMC 25.05.675.F

DECISION – SEPA

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

- ☒ Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

The lead agency for this proposal has determined that it does not have a probable significant adverse impact on the environment. An environmental impact statement (EIS) is not required under RCW 43.21C.030 (2)(c). This decision was made after review of a completed environmental checklist and other information on file with the lead agency. This information is available to the public on request.

This DNS is issued after using the optional DNS process in WAC 197-11-355 and Early review DNS process in SMC 25.05.355. There is no further comment period on the DNS

CONDITIONS - SEPA

None

David Landry, Land Use Planner
Department of Construction and Inspections

Date: January 4, 2016

DL:drm

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IMPORTANT INFORMATION FOR ISSUANCE OF YOUR MASTER USE PERMIT

Master Use Permit Expiration and Issuance

The appealable land use decision on your Master Use Permit (MUP) application has now been published. At the conclusion of the appeal period, your permit will be considered "approved for issuance". (If your decision is appealed, your permit will be considered "approved for issuance" on the fourth day following the City Hearing Examiner's decision.) Projects requiring a Council land use action shall be considered "approved for issuance" following the Council's decision.

The "approved for issuance" date marks the beginning of the **three year life** of the MUP approval, whether or not there are outstanding corrections to be made or pre-issuance conditions to be met. The permit must be issued by Seattle DCI within that three years or it will expire and be cancelled. (SMC 23-76-028) (Projects with a shoreline component have a **two year life**. Additional information regarding the effective date of shoreline permits may be found at 23.60.074.)

All outstanding corrections must be made, any pre-issuance conditions met and all outstanding fees paid before the permit is issued. You will be notified when your permit has issued.

Questions regarding the issuance and expiration of your permit may be addressed to the Public Resource Center at prc@seattle.gov or to our message line at 206-684-8467.